

36A

The Irish Land Question

THE STORY OF A CONFISCATED COUNTRY

By

REV. JAMES A. GEARY, A. B.

of the Department of Celtic
Catholic University of America



Friends of Irish Freedom
National Bureau of Information
Washington, D. C.



No. 13

May 1920

INTRODUCTION

In the last generation, Cardinal Perraud, a French student of Irish history wrote: "Ireland is not simply a conquered country, she is a confiscated country; that is to say, the suppression of her nationality and the proscription of her religion are not her only wrongs * * * as in the times of barbaric invasion, it was the ownership of the land which was wrested from the vanquished, it was the land itself and not merely political rights which the victors claimed and seized." The evils of the land question in Ireland, perpetuated by later legislation, sometimes oppressive and sometimes merely inefficient, all have their roots in this "forcible confiscation of Irish land and the planting of English and Scotch settlers." As Francis Hackett points out in his book, the best preparation for the study of Irish history and, we might add, the only preparation for a fair understanding of Ireland's national ambitions, is a comprehension of the economic condition which is one of the most fundamental of her grievances against British rule.

Major Erskine Childers, one of the most profound students of Irish economics has made an interesting comparison between the English imperialistic attitude toward Ireland and toward the American continent. From the day when Raleigh first turned a covetous eye on the fertile acres of the New World, until the termination of the American Revolution brought about their happy release, the American colonies felt the weight of the same imperial hand which was crushing Ireland.

It was the same commercial greed, Major Childers points out, which, while it was forcing the united colonies of New England to band together for mutual defense, was goading the unhappy Irish to the rebellion of 1641.

The descendants of the English conquerors who coveted the lordship of the Irish soil have coined a pious phrase about the "trusteeship for the Empire" to cover the discreditable fact. Successive Parliaments have passed a great volume of legislation. English propagandists have spread the news throughout the world that the Irish lands have been given back to the Irish. In the following review of this question, Father Geary, of the Catholic University of America, shows that despite the mass of so-called ameliorative legislation, little more than half of the native tenants of Irish land have so far been able to buy back the property wrested from them, and that the British Government stands to make a profit on the whole transaction.

DANIEL T. O'CONNELL, *Director*

Friends of Irish Freedom
National Bureau of Information

Forcible Confiscation and Usurious Return

The following notes on the ownership of land in Ireland may prove of value to persons wishing to inform themselves on that subject.

The legal title to the land is vested in private individuals or in corporations or in the English government on precisely the same system of ownership as in the United States. There is, however, this difference, that there is in Ireland no such thing as government owned land corresponding to the public domain of the United States government in the Western States of the Union.

The complication of the Irish Land Question comes originally from this fact; that only a short time ago the land was *legally* held by parties who owed their title originally to *grants* of land confiscated by English law or royal decree from the rightful owners and parceled out by English legal authority.

At the end of the 16th century, under Queen Elizabeth, vast tracts were declared forfeited, 600,000 acres being the figure usually given; in the middle of the 17th century 800,000 more were confiscated; and at the end of the same century 1,000,000 more. The *Britannica* article on Ireland—the tone of which is anything but sympathetic to Ireland—states that in the middle of this century the “Catholic share of the fertile parts of Ireland” was reduced from two third to one third (Vol. 14, p. 778, 2nd col.); and that “by the end of the century the proportion of land belonging to Roman Catholics was probably not more than one tenth of the whole” (p. 779, 2nd col.).

Although the *legal title* to this confiscated land was vested in those to whom the English government granted it, and in their heirs and assigns, the Irish people, whose ancestors had owned, occupied and tilled the land for centuries and perhaps for thousands of years, maintain, as they have always maintained, that they have a *moral right* to

that land which was stolen from them or from their ancestors under the forms of law. They have not ceased to assert their right to the soil of their native country. Ever since the Anglo-Norman invasion in 1171, the rights of the Irish people were simply ignored when not openly denied; they were driven off their land to live in the mountains, the forests and the bogs, when they were not slaughtered like wild beasts. Only the English and Norman colonists, who seized their lands, were considered to have any legal standing, any rights either as men or as citizens. No Irishman could hold a legal title to land or anything else unless he submitted himself to *English* law, which to him was *foreign* law, and during a part of the time, unless he also forswore his religion.

When the *legal title* to their land was taken from the Irish people, during the past centuries, many of them were allowed by the grantees to remain on the land as *tenants*, to till it. Otherwise the possession of large tracts of land would have been of no value to the grantees, unless they could have brought over tenants from England or Scotland. This they were unable to do, and probably unwilling; they believed in freedom (to some extent, at least) for their countrymen, tho they were quite willing to reduce the *mere Irish*, as they called them, to a condition of peonage, made possible by the poverty which resulted from the continual warfare and devastation which took place from 1171 to about 1700. Hence the condition of the great majority of the Irish people who remained Catholics was that they were forced to *pay rent* for the privilege of *tilling their own land* in order to live. But they still maintained that they had a *moral right* not only to live on their own land, but to have also the *legal ownership* of it. Every historian, especially every lawyer, who has read the history of the question, knows that they

have that moral right. "No one has a right to profit by an ill-deed" is an accepted maxim of law.

Not only were the Irish people placed in the situation of being tenants on their own land, compelled to pay rent for it to landlords whose title was based on legal theft, but their condition was rendered more miserable still by the fact that the landlords, during the 19th century at least, having their principal residences outside of Ireland, generally in England, where they tried to compete with the nobility and even the royalty of that country in high living, were interested in extorting from their tenants the highest possible rents, the collection of which was left in the hands of agents who were too often overbearing and unscrupulous. Hence the "rack-rents" and the heartless evictions of the last century, which won the sympathy of the whole world; hence the "famine" of 1846-1848, when there was plenty of grain in Ireland, only the potato crop having failed—the former being taken by the landlords to pay the rent!

Appeals to the sense of justice of the English Parliament—for the Irish Parliament was abolished by the Act of Union in 1801—were unavailing. Nothing but persistent agitation based on wide-spread organization has ever secured any amelioration of the condition of the Irish people who were paying exorbitant rents for the privilege of eking out a miserable existence on the land which once belonged to their ancestors, the legal title to which had been transferred to strangers by a process universally recognized as unjust and immoral. Thus O'Connell's agitation secured the abolition of the tithes payable to the ministers of the Established Church of Ireland (the Irish branch of the Episcopal Church), many of whom had no parishioners, though all had parishes assigned them. It was the Fenian movement which, on the admission of Gladstone himself, resulted in the Disestablishment of the Church of Ireland, in 1869.

During the 19th century vast tracts of the best agricultural land in Ireland were cleared of tenants so as to be left

free to form grazing ranches to supply cattle for the English market. These brought a higher rental to the landlords, who took no thought for the human beings who were thus evicted from their homes and forced to live on barren mountain-sides or on still more barren bogs, or else to emigrate. Yet these people had the *moral right* to the ownership of the land. Their ancestors had held it and tilled it for generations; it was stolen from them by form of law.

Is it any wonder that the people, who form the real body-politic of the nation, retaliated by driving the cattle off the ranches? Is it anything but simple manliness which prompted them to band together and agree to pay no rent for the land which was *theirs by moral right*, even though not by *legal title*? Is it surprising that another Ireland grew up here in free America, composed of the sons and daughters of the men and women who were forced to leave their native land to make room for cattle? Can these American sons and daughters of the race, appreciating their freedom here, do anything else but support with all their power and enthusiasm the organizations of their own flesh and blood in Ireland for the purpose of righting this monstrous wrong?

It was only such organizations of the people in the Tenant Right League of the '50's, the Fenians of the '60's, the Amnesty Associations of the '70's and the Land League of '79-'81, that compelled the attention of the British government to the miserable plight of the Irish tenants, descendants of the real owners of the land.

It was only in 1870, under Gladstone's ministry, that the first substantial amelioration of the conditions of the tenants was accomplished. In that year land-laws were passed making it impossible to evict a tenant from the land except for non-payment of rent for three years, and recognizing legally his right to compensation for the improvements he had made, such as buildings erected. However, there was a failure of crops in 1877, '78 and '79, which caused many tenants to fall into arrears in the payment of rent. Evictions,

which in the circumstances were legal according to the Act of 1870, became as frequent as in 1846-48, and destitution became general among the poor who were cast out of their holdings to die by the roadside. (See T. P. O'Connor's *Great Irish Struggle*).

The Act of 1870 having proved ineffectual to make it possible for the Irish tenantry to live on their own land and pay the legal holders, the landlords, a rent for it when no crops could be saved from it, another Land Act was passed in 1881 embodying what are known as the "Three F's",—free sale, fixity of tenure, and fair rent. The first empowered the tenants to sell their occupation interest to another, subject to the landlord's right of preemption; the second secured the tenant against eviction except for non-payment of rent (like the Act of 1870); the third was the most beneficial legislation yet passed, establishing a Land Commission Court to fix a "fair rent" for a term of fifteen years, with a provision that a new "fair rent" could be fixed for additional terms of fifteen years thereafter. These terms are known as First, Second and Third Statutory Terms; and the "fair rent" fixed is known as a Judicial Rent. According to the 1917 Report of the Irish Land Commissioners, judicial rents were fixed for a First Statutory Term under this act (with subsequent amendments and additions) from 1881 to 1917 for 382,044 holdings amounting to 11,366,-590 acres, whereby landlords' rents of £7,529,813 were reduced to judicial rents of £5,973,523, a reduction of 20.7%. For a Second Statutory Term, rents for 143,688 holdings amounting to 4,422,258 acres were reduced from First Judicial Rents of £2,577,918 to Second Judicial Rents of £2,079,762—a further reduction of 19.3%. The landlords' rents for these holdings had amounted to £3,239,726. All these figures for a Second Statutory Term are included, of course, in those given above for a First Term; likewise those following for a Third Term are included in both First and Second Term figures. For a Third Statutory Term, for 5,471 holdings amounting to 175,623 acres, Second

Judicial Rents of £91,071 were reduced to Third Judicial Rents of £82,624—a further reduction of 9.3%. Thus the rents on 60.5% of the area of the agricultural holding have been judicially reduced for a first term of fifteen years. It is evident how common and how exorbitant "rack-rents" were when the landlords were supreme.

The Land Acts of 1870 and of 1881 did not attempt a great deal in the direction of doing away with the basic cause of the misery of the Irish tenantry; they dealt chiefly with the exaction of exorbitant rents by inhuman landlords, while leaving in their hands the legal title to the land, though it had been stolen from the ancestors of the tenants. It was soon understood that nothing but the termination of the cause could put an end to the effect. But the alien government which rules Ireland has been unwilling to terminate that cause except at the cost of the tenants themselves. Instead of buying out the landlords and giving the land in fee simple to the tenants, thus assuming the cost of the presents the English governments wished to give its favorites during the 16th and 17th centuries—presents bestowed in the shape of land robbed from the Irish people—all the British government has been willing to do is to allow the Irish people collectively to become the security for the repayment by the tenants to the British government, in yearly instalments stretching over a period of 49 to 70 years, of the price which it advanced to the landlords! Thus the government favorites of the 16th and 17th centuries and their descendants have had the "rack-rents" collected by them ever since, and now they have the value of the Irish people's land, all paid to them by the *Irish people* as a token of the favor of the *British government*.

Let us see how this was done. It began in 1885 with the Ashbourne Act, which was amended to extend its operation in 1888, 1891 and 1896. £5,000,000 were allotted in 1885 and as much more in 1889 to be advanced to tenants agreeing with their landlords on the purchase of their holdings. The cash ad-

vances were repayable to the British government at the rate of 4% per annum— $2\frac{3}{4}\%$ as interest, and $1\frac{1}{4}\%$ as sinking fund. This required 49 annual payments. After ten years a reduction of 15% to 18% in the yearly instalment could be made, with an increase in the number of annual payments to 70. Under these Acts, which were suspended in 1902, only 25,367 loans, amounting to £9,992,536 were made. As there were in 1917 over 535,000 agricultural holdings (and since the number has been decreasing with each census, there were probably more than that number while the Acts were in operation), less than 1-20 of the tenants were benefited by them. Moreover, if anyone should be tempted to think that there was any liberality shown by the British government in making these cash advances to the tenants, let him reflect on two points. First, the Financial Relations Commission, appointed in 1893 to examine into the "tax capacity" and the taxation of Ireland since the Amalgamation of the Exchequers in 1817, reported in 1896 that Ireland had been overtaxed \$12,500,000 per annum since 1817. This overtaxation amounted in their day to over \$1,000,000,000, without adding any interest. It was very easy for the British government to loan back to the Irish people \$50,000,000 of *their own money*. Second, a little calculation will show that even supposing that the British government had to borrow the amount loaned on the security of Consols. at 3%, it still stands to make a handsome profit of something like 75% on the transaction! And all this, in addition to the overtaxation of a billion dollars, comes out of the Irish people, like the "gifts" of Irish land to British governmental favorites in the 16th and 17th centuries.

Further laws passed in 1891 and 1896 authorized the issue of Guaranteed Land Stock bearing 3% interest, for cash advances to tenants, to be repaid in annual instalments of 4% each. £30,000,000 were set aside to finance this purchase scheme. Up to 1917, 46,834 agreements for purchase had been made under these Acts, and Land Stock

amounting to £13,146,892 had been advanced. Even forgetting that the cost of this repurchase of their own land was being repaid by the tenants at the rate of 4% per annum for 49 or more years, and that there was a profit in it for the British government, the amount pledged was still far short of what was owing to the Irish people on the score of admitted overtaxation.

A further step was taken in 1903 in the Wyndham Act, amended in 1909. In lieu of making it compulsory on the landlords to sell out to their tenants, they were to be given, as an inducement to sell, a *bonus of 12% of the purchase money*, which the British government bound itself to balance by effecting economies in its system of governing Ireland—a very easy thing to do, considering that the misgovernment of Ireland cost the Irish people \$85,000,000 a year, or about twice what it costs Denmark to be free, and more than twice what it cost Norway, Belgium, Switzerland, Greece or Serbia—that is, a portion of Irish taxes was to be used, without the consent of the tax-payers, as another "gift" to the landlords, instead of being used in some other extravagance. However, the "inducement" to agree to a sale was at least something, even though the tenants had to pay again for the land stolen from their ancestors.

The money for these purchases was raised by selling Guaranteed Land Stock bearing interest at $2\frac{3}{4}\%$, £5,000,000 of stock being issued each year; it was repayable by the tenants in $68\frac{1}{2}$ annual payments of $3\frac{1}{4}\%$ each. Thus if a tenant made an agreement to purchase, his grandchildren might hope to possess the land in fee simple. Up to 1917, 13,142 loans on 2.45% of the holdings, aggregating £2,268,939 had been made under this Act of 1903 and the supplementary Act of 1909. It was stipulated that if the Land Stock should sell below par, the deficit should be made up by withholding the money payable by the British Treasury into the Irish Development Fund—a "Treasury Grant" allotted to Ireland to balance a similar grant allotted to the English counties under the Education Act of 1902. The with-

holding from the Irish counties of their share of this Fund implied the raising of extra taxes in that county to compensate the loss. Thus it is seen that the "Guarantee" behind the Land Stock was ultimately the security of the tax-paying capacity of the Irish counties, and not that of the British Treasury. But, as the management of the Land Stock was in the hands of the British Treasury, its quotation was usually the same as that of Consols., which in 1907 sold as low as 86, and have since then, as everyone knows, gone much lower. The financial burden, therefore, due to land-purchase under the Wyndham Act is entirely on the Irish taxpayers. The British government lends nothing, but makes a profit. The total amount of loans made by the Irish Land Commissioners from 1881 to 1917 was £26,137,514. At the same time, other proceedings along the same line were under way before the Estates Commissioners for which detailed figures are not at present available, and still other advances were made through the Congested Districts Board. The *Statesman's Yearbook for 1919* gives the grand total of all advances for land purchase, 1870 to 1918, as £101,250,156, or about \$506,250,000.

All this, remember, is only *loaned* to the Irish tenants and is repaid by them with interest. Remember, too, that its purpose is the repurchase of the land that was the property of their ancestors for hundreds, perhaps for thousands, of years, the legal title to which was taken from them by legal enactment of the British government and given to aliens who thereafter wrung from them every penny it was possible to extort in the form of "rack-rents". Remember, also, that during the last hundred years the British government has exacted from Ireland over a billion and a quarter of dollars in overtaxation—over twice the total of these loans—according to its own Commission. Remember, further, that the British government stands to make a profit on the whole transaction.

Let us look now at the net result of these enactments. The total number of agricultural holdings, according to

the Census of 1911, was 535,675. The total number of holdings for which purchase money was advanced either by the Land Commissioners or the Estates Commissioners from 1881 to 1917 was 268,380, for 9,753,480 acres. Thus all the Land Acts so far have resulted in vesting in the tenants just 50.1% of the agricultural holdings. As the actual number of holdings decreases with each census, because additional land has been acquired by some tenants who had had very small plots, the percentage would be small if calculated on the number of holdings in 1881. But the calculation based on the figures of the latest census gives a better idea of the net results, and is likewise more favorable to the British government. If we make a calculation based on the acreage, we find that out of 18,780,000 acres of "agricultural land" the tenants have been enabled to purchase 9,753,480 acres, or 52%. Thus there are 49.9% of the tenants who have not yet been able to make purchase agreements, and these tenants live on 48% of the land described in the census as "agricultural land."

In order to estimate properly the value of the boon of "peasant proprietorship" we need to see what is the value of the holdings of which they become proprietors, and to inquire whether they are sufficient to support a family decently according to the standard of living of the country. A farm of 30 acres is reckoned in Ireland as just sufficient to support a family, which means in Ireland, on the average, five persons. This figure may appear high. But it must be remembered that the land actually under tillage has a poorer average quality than the whole arable land taken together. The reason is that the landlords had driven the tenants off the best land in order to let it out to grazers for the fattening of cattle for the English market, because this brought them a higher rent, in spite of the fact that such a practice was not for the best interests of the country. Holdings held to be sufficient for the support of a family are known as "economic hold-

ings" and are assessed at a "rateable valuation" of £15 or over; those of insufficient size to support a family are known as "uneconomic holdings" and are assessed at a "rateable valuation" of less than £15.

In the Census Report for 1911 we find (pp. 430 and 431) the following figures:

Acres.	Not over one.	1-5	5-10	10-15	15-20	20-30	30-50	50-100	100-200	200-500	500 and over.
No. of holdings	50,220	53,793	75,102	64,754	58,123	71,109	72,522	56,868	23,110	8,198	1,876
Percent of holdings	9.4	10.	14.	12.1	10.9	13.3	13.5	10.6	4.3	1.5	.4

Thus it appears that 69.7% of the holdings were of less than 30 acres each, and the same percentage is given (p. 439) for those of a rateable valuation of less than £15. Table 160 on p. 439 of the Report shows that these "uneconomic holdings" comprised 35% of the area of the agricultural holdings. This means that 69.7% of the agricultural population have only one-half of the amount of land they should have in proportion to their numbers, if they are to be able to live up to the standard of living of the country. Calculating the area and the number of uneconomic holdings according to the percentages given, we find that 6,573,000 acres are divided into 373,364 holdings; this makes an average of 17.6 acres per holding for 69.7% of all the agricultural holdings in Ireland. According to this same Table the average rateable valuation of the uneconomic holdings was £6, which tends to show that they comprise a poor quality of land. Furthermore, this Table shows that 33.4% of the total population of Ireland was living on these "uneconomic holdings."

Moreover, the total area given for "agricultural holdings" includes many large grazing ranches, which ought to be excluded in order to get at the actual size of "uneconomic holdings" and to understand the reason for the existence of the latter in such large numbers. The area of "agricultural holdings" is given as 18,779,810 acres in the Land Commissioners' Report, 1917; the Re-

port of the Census of 1911, (p. xx) gives the total land area of Ireland as 20,253,100 acres, inclusive of 2,960,072 acres of "barren mountain-land, forests and plantations (of forest-trees), bogs, town-sites, roads and fences, waste-land, etc". This would leave 17,293,000 as arable land. Hence 1,486,782 acres

of the land counted in "agricultural holdings" is not arable land at all, but falls under one of the above-mentioned descriptions. Thus the average of the "uneconomic holdings" cannot be higher than 14.8 acres of actually arable land. Further reduction results from excluding the grazing ranches, whose size is harder to ascertain. But the *Statesman's Yearbook for 1919* gives the following figures: "Total area of land surface, 20,247,000 acres; woods and plantations, 296,000 a.; mountain, heath and grazing land,—(no figures available); permanent pasture 9,121,000 a.; arable land, 5,272,000 a." The last figure seems to mean land actually under tillage. The missing figure must be 5,448,000 acres. As the Census gives 2,960,000 a. as the area of forests, etc., the area of grazing land must be 2,597,928 acres, which ought to be subtracted from the area of "agricultural holdings" to ascertain the area of arable land they include. This gives us a figure of 16,181,882 acres which actually supports the great bulk of the agricultural population, which comprises 56.7% of the total. Making the suitable correction, the average area of the "uneconomic holdings" appears to be about 12.58 acres, which corresponds closely to the average rateable valuation of £6 mentioned above.

Hence it becomes clear that there still remains a great deal to be accomplished in abolishing the "uneconomic holdings," which are the chief curse alien rule has brought upon Ireland.